

Appl. No. 10/089,343
Atty. Docket No. CM2207MQL
Amdt. dated February 10, 2004
Reply to Office Action of October 16, 2003
Customer No. 27752

REMARKS

Claims 1-7 remain in this Application and are presented for the Examiner's reconsideration in light of the following comments. No additional claims fee is believed to be due.

Claims 1 and 7 have been amended to more specifically characterize the invention. Support for the amendments is found at page 3, lines 23-28, and at page 4, lines 21-23 and 28-30.

Rejections Under 35 U.S.C. §102(b)

Claims 1-7 have been rejected under 35 U.S.C. §102(b) as being anticipated by Waymouth, et al. (WO 95/25757). Applicants respectfully traverse this rejection. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131.01 citing *Verdegaal Bros. v. Union Int'l C. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants contend that Waymouth does not set forth each and every element of the instant invention and therefore it does not anticipate it.

Examiner highlights the following characteristics of Waymouth. Waymouth discloses in at least Examples 22-35, 38a, 41, 42, 45-49 and 53, polypropylenes with isotacticities between 12-53% and molecular weights exceeding 100,000. In addition, Waymouth discloses that such polymers may be used as an adhesive. Finally, Waymouth contains a statement that the polymers adhere well to "glass, paper, metal and other materials." However, Applicants respectfully disagree with Examiner's conclusion that Waymouth contains all of the claimed polymer limitations.

First, Claims 1 and 7, as amended, require an adhesive comprised by a polyolefinic homopolymer having one phase of molecules all of which exhibit a similar stereochemical configuration. Waymouth does not teach or suggest such a limitation. Instead, Waymouth describes propylene polymers which are not homopolymers and consequently which do not exhibit a similar stereochemical configuration. The lack of homogeneity of the Waymouth polymers arises by virtue of the stereochemical configurations of the catalysts used to produce them. The ligands of the Waymouth catalyst can freely rotate around the zirconium atom in the center of the corresponding metallocene. The Waymouth catalyst may therefore be present in a variety of different configurations. As a result, use of the Waymouth catalyst results in the synthesis of polymer chains with differing stereochemical configurations. Thus, the polymers synthesized using the Waymouth catalyst are a fractionable mixture of various different polymers

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and are *not* homopolymers which hav "one phase of molecul s all of which exhibit a similar stereochemical configuration". In contrast, instant Claims 1 and 7 require use of polyolefinic homopolymer having one phase of molecules all of which exhibit a similar stereochemical configuration. Waymouth does not disclose, teach, or suggest these claim elements. As a result, Waymouth cannot anticipate instant Claim 1 and 7, or the claims which depend thereon.

Second, Claims 1 and 7, as amended, specify that the [rrrm] pentad concentration and [rrr] pentad concentration must be below 3% and 6%, respectively. Waymouth does not disclose, teach, or suggest these claim elements. As a result, Waymouth cannot anticipate instant Claim 1 and 7, or the claims which depend thereon.

Applicants submit that the present claims, as amended, are not anticipated by Waymouth for the foregoing reasons. As a result, Applicants request withdrawal of the § 102(b) rejection.

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Conclusion

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-7.

Respectfully submitted,
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